

HUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIA D.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C23-1253 RSM

**ORDER RE-NOTING PARTIES'
MOTIONS**

This matter is before the Court on Plaintiff's Motion for Summary Judgment and Defendant's Motion to Dismiss. Dkt. 9; Dkt. 19. For the reasons discussed below, the Court re-notes the parties' Motions to January 21, 2024.

BACKGROUND

In January 2020, Plaintiff filed an application for retirement benefits and divorced spouse benefits. Dkt. 20 at 3–4, 43–46. In her application, Plaintiff wrote, “My spouse claim should have a start date of . . . 2013[,] which was the month I attained age 66.” *Id.* at 44. The Social Security Administration (SSA) found Plaintiff entitled to retirement benefits beginning 2017 and divorced spouse benefits beginning 2016. *Id.* at 50, 55. Plaintiff submitted a request for reconsideration, stating the agency “underpaid the total amount retroactively owed under [her] revised [divorced spouse] benefits claim.” *See id.* at 53, 60. The SSA affirmed Plaintiff's

1 divorce spouse benefits begin “no earlier than August 2016.” *Id.* at 60. Plaintiff requested a
2 hearing before an ALJ to appeal the agency’s decision. *Id.* at 73. In November 2022, the ALJ
3 issued a partially favorable decision and found Plaintiff entitled to divorced spouse benefits
4 beginning 2013. *Id.* at 79–81. The ALJ stated that “claimant’s benefits and deductions will be
5 recalculated based on [the ALJ’s] decision.” *Id.* at 81. In July 2023, the SSA sent a letter to
6 Plaintiff to give her “new information about [her] benefits.” Dkt. 9-1 at 1–3. The agency wrote
7 that because an individual “who is entitled to retirement benefits on his or her own record and
8 also to spouse’s benefits on another record may only receive an amount equal to the higher of the
9 two benefits,” Plaintiff would no longer be receiving divorced spouse benefits starting July 2023.
10 *Id.*

11 **DISCUSSION**

12 Plaintiff alleges the SSA has “repeatedly refused to pay” her back-owed divorced spouse
13 benefits. *See* Dkt. 6 at 3. Plaintiff’s claim is limited to the benefits she contends she is entitled
14 to between 2013 and when the agency notified her in July 2023 that she would no longer be
15 receiving them. She asserts the agency was supposed to give her a revised statement of said
16 benefits following the ALJ’s 2022 decision, but outside the July 2023 letter (which did not
17 reference the ALJ’s decision), she has “received no other notification from the Social Security
18 Administration or any payment of back due ex-spouse benefits.” *Id.* at 4; Dkt. 9 at 3.

19 Defendant argues Plaintiff cannot seek judicial review because she did not request
20 reconsideration of the agency’s July 2023 letter and exhaust her administrative remedies. *See*
21 Dkt. 19. Defendant states, however, that “[a]lthough federal court is not the appropriate forum
22 for correcting any potential mistake in the agency’s benefit calculation, the agency nevertheless
23 has considered Plaintiff’s concerns in her complaint and is in the process of evaluating Plaintiff’s

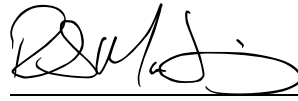
1 benefit calculation to ensure she is receiving the correct amount.” Dkt. 19 at 3, n. 2. Defendant
2 reiterated this in their Reply. *See* Dkt. 24 at 2.

3 In her Response to Defendant’s Motion to Dismiss, Plaintiff explains she did not request
4 reconsideration of the agency’s July 2023 letter because she did not disagree with it. Dkt. 22 at
5 4. Plaintiff’s contention, essentially, is with the agency’s refusal to adhere to the ALJ’s 2022
6 decision and failure to “produce the stipulated past due spousal benefits letter” and pay her
7 “back-due spousal benefits.” *Id.* at 2.

8 After reviewing the record, the Court defers addressing the parties’ respective Motions
9 for now. As the Court understands it, Plaintiff is not seeking judicial review. Rather, she is
10 asking for the calculation and payment of her back-owed divorced spouse benefits, based on the
11 ALJ’s 2022 decision. *See* Dkt. 6; Dkt. 9. Defendant has implied there is administrative remedy
12 available that could result in the relief Plaintiff seeks. *See* Dkt. 19 at 3, n. 2; Dkt. 24 at 2. In
13 order to facilitate the remedy Plaintiff seeks, the Court finds re-noting the parties’ Motions to
14 January 26, 2024 appropriate. *Dietz v. Bouldin*, 136 S. Ct. 1885, 1892 (2016) (“[D]istrict courts
15 have the inherent authority to manage their dockets and courtrooms with a view toward the
16 efficient and expedient resolution of cases.”). This gives the agency 60 days to “consider[]
17 Plaintiff’s concerns in her complaint” and “evaluat[e] her benefit calculation to ensure she is
18 receiving the correct amount.” *See* Dkt. 19 at 3, n. 2; Dkt. 24 at 2. If the relief Plaintiff is
19 seeking cannot be granted administratively, the Commissioner should indicate why, and explain
20 the apparent discrepancy between the ALJ’s 2022 decision, which states Plaintiff is entitled to
21 divorced spouse benefits beginning 2013, and the agency’s July 2023 letter, which does not
22 explain whether Plaintiff has received those benefits.

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1 DATED this 27th day of November, 2023.

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4 RICARDO S. MARTINEZ
5 UNITED STATES DISTRICT JUDGE
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